

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

***CORRECTED* PLAINTIFF HEADWATER RESEARCH LLC’S MOTION
TO EXPEDITE BRIEFING ON HEADWATER’S MOTION TO AMEND THE
PROTECTIVE ORDER OR, ALTERNATIVELY, FOR DISCOVERY UNDER
28 U.S.C. § 1782**

Plaintiff Headwater Research LLC (“Headwater”) respectfully files this opposed motion to expedite briefing on Headwater’s concurrently-filed Motion to Amend the Protective Order or, Alternatively, for Discovery Under 28 U.S.C. § 1782. That motion concerns Headwater’s request to use certain discovery produced by Samsung Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (together, “Defendants” or “Samsung”) and designated as confidential under the Protective Order in this case.

Specifically, Headwater’s motion requests as relief an order from the Court modifying the Protective Order to authorize Headwater to submit the deposition transcript of Hongshik Kim and two exhibits thereto for the consideration of the court in pending parallel patent litigation between Headwater and Samsung’s German subsidiary, Samsung Electronics GmbH. That litigation is currently pending as *Headwater Research LLC v. Samsung Electronics GmbH*, court references 7 O 2846/23 and 7 O 3170/23, Munich Regional Court, 7th Civil Chamber (together, the “German

Action”). The German Action is currently set for oral hearing on April 18, 2024; the scheduled oral hearing will operate similarly to a bench trial in a United States District Court, where arguments and evidence, such as documentary and testimonial evidence, will be presented by both sides.

Headwater’s motion to amend the protective order is filed concurrently herewith, on March 25, 2024. Under a regular briefing schedule, Samsung’s response in opposition to Headwater’s motion would be due on or before April 8, 2024. Headwater’s reply would be due on or before April 15, 2024. Samsung’s sur-reply would be due on or before April 22, 2024. *See* Local CV 7. The regular briefing schedule would result in the close of briefing occurring either very close to the April 18, 2024 hearing date in the German Action or afterwards.

Headwater submits that expedited briefing is appropriate in view of the close proximity of the approaching April 18, 2024 hearing date in the German Action, the straightforward nature of the issues presented in Headwater’s motion, and the narrowly-tailored relief sought by Headwater. Headwater also agrees to forgo any the filing of any reply brief in an expedited briefing schedule.

Counsel for Samsung and Headwater have conferred, and Samsung opposes the expedited briefing requested by Headwater.

Headwater thus respectfully requests that the Court grant this Motion and enter an order shortening the briefing schedule as follows: (1) Samsung’s response in opposition to Headwater’s Motion to Amend the Protective Order or, Alternatively, for Discovery Under 28 U.S.C. § 1782 is due on or before April 2, 2024, and (2) no further briefing is allowed.

Dated: March 25, 2024

Respectfully submitted,

/s/ James S. Tsuei

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2024, I electronically filed the foregoing document with the Clerk of the Court for the Eastern District of Texas using the ECF System under seal, and served defendants with a copy via electronic mail.

/s/ James S. Tsuei
James S. Tsuei

CERTIFICATE OF CONFERENCE

I hereby certify counsel for Plaintiff and counsel for Defendants met and conferred in compliance with Local Rule CV-7(h) on March 22, 2024, following a series of written emails exchanged between the parties. Defendants opposed this Motion..

/s/ James S. Tsuei
James S. Tsuei